

(Rev 8/10)
(With Petition)
(Under the Provisions of Chapter VI, Article 7,
Section 77 of the Charter of the City of Durham)

**CURB, GUTTER AND PAVING
WATER AND SEWER LATERALS**

PRELIMINARY RESOLUTION ON PROPOSED LOCAL IMPROVEMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

A. That there has been filed with the City Council a petition for the making of the local improvements generally described in Paragraph B in this resolution, that the sufficiency thereof has been investigated by a person designated therefore by the City Council, that the petition has been found to be sufficient and has been so certified to the City Council, and that the City Council now finds as a fact that said petition is sufficient and is signed by at least a majority in number of the owners, which majority own at least a majority of all the lineal feet of frontage of the lands abutting upon the street(s) or part(s) thereof proposed to be improved, excluding street intersections.

B. That the street(s) proposed to be improved is or are as follows:

AMBER PLACE FROM HUMPHREY STREET NORTH TO EAST PETTIGREW STREET

and that the local improvements proposed to be made therein or thereon are as follows:

IMPROVEMENTS PROPOSED

Storm Sewer Improvement. That there be laid on the street(s) named in Paragraph B within the limits therein defined a storm sewer main of sufficient size for proper drainage purposes.

Street Paving Improvement. That the street(s) named in Paragraph B within the limits therein defined be paved with some permanent type of paving as may be determined by the City Council, said paving to include grading and the construction of drains and all other work incidental to said paving.

Curb, Gutters and Drain Improvement. That curbs, gutters and drains be constructed and installed on the street(s) names in Paragraph B within the limits therein defined; such gutters to be either of concrete with granite curbs, or of the combined concrete curb and gutter type, as may be determined by the City Council; and such improvements to also include the construction of drains and the doing of all other work incidental to the construction and installation of curbs, gutters and drains.

Water Main Improvement (laterals). That the necessary laterals be laid for the connection of the abutting property with proposed or existing water main in said street(s).

Sewer Main Improvement (laterals). That the necessary laterals be laid for the connection of the abutting property with proposed or existing sanitary sewer main in said street(s).

C. That if said local improvements are ordered made, the proportion of the cost thereof to be specially assessed and the terms of payment will be as follows:

SPECIAL ASSESSMENTS

Storm Sewers. That in the case of storm sewers, the cost of not exceeding a thirty-inch storm sewer main, and of such portions of said mains as lie within the limits of the street(s) hereinbefore proposed to be improved, be assessed against the property abutting on said street(s); such cost to be assessed against the lots and parcels of land abutting on said street(s) according to their respective frontages thereon by an equal rate per foot of such frontage.

Paving, Curbs, Gutters and Drains. That the total cost of said street paving improvement, including the construction of curbs, gutters and drains, grading and all other work incidental to said paving, exclusive of so much of said cost as is incurred at street intersections and the share of street railways or railroads, be assessed against the lots and parcels of land abutting on that side of the street upon which such improvement is made, according to their respective frontages thereon, by an equal rate per foot of such frontage.

Water and Sewer Laterals. That the entire cost of each water and sewer lateral which may be laid be specially charged and assessed against the particular lot or parcel of land for or in connection with which it is made.

TERMS OF PAYMENT

The owners of the assessed property shall have the option, before the expiration of 30 days from the date of publication of the notice that the assessment roll has been confirmed, of paying the assessment either in cash in full or in a fixed number of annual installments, as established by the City Council and in effect on the date which the petition in this matter was submitted to the City with sufficient signatures; and if the option to pay in cash in full within said period of 30 days is not exercised, then the amount of such assessment shall be arranged into the established number of annual installments, the first of which shall become due and payable 30 days after the publication of the notice that the assessment roll has been confirmed, and one installment and interest shall be due and payable on the same day of the month in each successive year thereafter until the assessment and interest thereon is paid in full. Any assessment that is not paid in full within 30 days after publication of the notice that the assessment roll has been confirmed shall bear interest from the date of confirmation of the assessment roll until paid at a rate established by the City Council and in effect on the date on which the petition in this matter was submitted to the City with sufficient signatures. The rate per foot to be assessed against the lots abutting the improvement shall be the proportion of the total cost which is established by the City Council and in effect on the date on which the petition was submitted to the City with sufficient signatures.

D. That, pursuant to the Resolution Authorizing the City Manager or Designee to Set Public Hearings and to Declare the Adoption of Resolutions of Intent (Resolution 9709), the City Manager set the public hearing on the proposed improvement(s) to be held at 7:00 PM **August 15, 2011**, in the Council Chamber of City Hall.

E. That the authority by which this resolution is adopted, being provisions of Chapter VI, Article 7, Section 77 of the Charter of the City of Durham, provides that all objections to the legality of the making of said improvements shall be made in writing, signed in person or by attorney, and filed with the City Clerk at or before the time of the public hearing heretofore provided for, and that any such objections not so made will be waived.

F. That, pursuant to Resolution 9709 and Charter Section 77(9), the City Manager caused a notice to be published one time in the Durham Herald-Sun, a newspaper of general circulation in the City of Durham, not later than **August 5, 2011**, which is at least 10 days before the date set for the public hearing.

This the **15th** day of **August, 2011**.

Edward R. Venable
Manager of Engineering and Stormwater